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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,748	02/11/2004	Masaru Sawada		3610

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EXAMINER

MERCEDES, DISMERY E

ART UNIT	PAPER NUMBER
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2651

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/776,748

Applicant(s)

SAWADA ET AL.

Examiner

Dismery E. Mercedes

Art Unit

2651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 June 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,4-6,9-11,14 and 15 is/are pending in the application.
- 4a) Of the above claim(s) 2,3,7,8,12 and 13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4-6,9-11,14 and 15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 June 2005 and 11 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claim 1, 6 and 11 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5,12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art (pages 1-4 of the instant specification), hereinafter, Sugawara et al. (JP 2001-198716), in view of Patire (US 6,456,671 B1).

As to Claim 1, AAPA discloses a an information recording/reading apparatus that reads information from a recording medium at a timing synchronized with a read signal by reproducing a clock used when recording the information with timing reproduction data (as depicted in FIG8, "100" of instant specification), comprising: a signal delay unit that delays signal data read from the recording medium for a predetermined time (as depicted in FIG.8, "62" & page 2, lines 13-17, of the instant specification); and a frequency offset detecting unit that detects; during the predetermined time, a frequency offset that is a frequency difference between a clock of the read signal and an operation clock of the information recording/reading apparatus using the timing reproduction data

Art Unit: 2651

that is split and recorded in the recording medium (as depicted in FIG.8, “frequency offset detector” as depicted in FIG.8 & page 3, lines 13-17 of instant specification); timing reproduction data is cyclic waveform data that is divided into a plurality of blocks, and a phase of the timing reproduction data that is split and recorded in the recording medium is continuous (as depicted in Fig. 1A & page 2, lines 15-17 & page 1, lines 24- page 2 line 2).

AAPA fails to particularly disclose the frequency offset detecting unit detects the frequency offset based on a difference between a phase difference of a cyclic waveform of a leading block from a reference waveform and a phase difference of a cyclic waveform of an ending block from the reference waveform.

However, Patire discloses such (col.3, lines 18-45). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify upon AAPA’s apparatus by implementing a phase detector as disclosed by Patire, the motivation being because it would provide AAPA’s apparatus with the enhanced capability of linearly interpolated estimates of phase correction (col.3, lines 53-55).

As to Claim 4, Sugawara et al. further discloses a recording unit that splits the timing reproduction data and records the timing reproduction data split in the recording medium (abstract, of JP 2001-198716).

As to Claim 5, Sugawara et al. further discloses wherein sync data for recognizing a leading position of the information and the information are recorded between the timing reproduction data that is split and recorded in the recording medium (abstract and [0008-0029]).

As to Claims 6, 9-10, they have limitations similar to those treated in the above rejections, and are met by the references as set forth in the rejection of claims 1,4-5 supra.

Art Unit: 2651

As to Claims 11, 14-15 are drawn to a method corresponding to the apparatus of claims 1, 4-5, are rejected for similar reasons set forth in the rejection of claims 1,4-5, supra.

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Sugawara et al. (US 2003/0030930 A1); Vis et al. (US 6,530,060 B1) ; Harris (US 5,422,763); Tanaka et al. (US 5,881,037); Kuroda et al. (US 6,178,057 B1) ; Belser (US 6,008,960).

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dismery E. Mercedes whose telephone number is 571-272-7558. The examiner can normally be reached on Monday - Friday, from 9:00am - 4:00pm.



If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 571-272-7843. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2651

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dismery E Mercedes  
Examiner  
Art Unit 2651

DM

  
  
for SPE D. Hudgell